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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/613,320 | | |
| | Examiner | BERNARDON ET AL. Art Unit | |
| | Laura L. Stockton, Ph.D. | 1626 | |
| The MAILING DATE of this communication appear All claims being allowable, PROSECUTION ON THE MERITS IS (herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RICO of the Office or upon petition by the applicant. See 37 CFR 1.313 | ars on the cover sheet with the OR REMAINS) CLOSED in this appropriate communication of the appropriate communication. This application is subject and MPEP 1308. | correspondence address | |
| 1. A This communication is responsive to the Amendment filed I | <u>flay 19, 2006</u> . | | |
| 2. The allowed claim(s) is/are <u>1-11, 14-20, 23-25 and 28-45, notes.</u> | ow renumbered claims 1-40, resp | ectively. | |
| 3. ☑ Acknowledgment is made of a claim for foreign priority und | ler 35 U.S.C. § 119(a)-(d) or (f). | | |
| 1. Certified copies of the priority documents have to | Deen received. | | |
| 2. 🗵 Certified copies of the priority documents have been received in Application No. 2000 (200 | | | |
| o. Lie copies of the certified copies of the priority docu | ments have been received in this | national stage application | from the |
| International Bureau (PCT Rule 17.2(a)). * Certified copies not received: | | and ottago application | nom ule |
| Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. 4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. | | | |
| Attachment(s) | | · | |
| 1. Notice of References Cited (PTO-892) | 5. Notice of Informal Pat | tent Annlicotion (DTO : | |
| 2. Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. ☐ Interview Summary (F | PTO-413) | İ |
| 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date | Paper No./Mail Date 7. | • | |
| Examiner's Comment Regarding Requirement for Deposit of Biological Material | Examiner's Statement | of Reasons for Allowance | , |
| | 9. ⊠ Other <u>Rejoinder</u> . C | Laura L. Stockton, Ph.D. Primary Examiner Art Unit: 1626 | ickla |

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Claims 1-11, 14-20 and 23-26 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 28-45, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement as set forth in the Office action mailed on September 19, 2005 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claims including all the limitations of an allowable product claim or rejoined process claim are presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant

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application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura L. Stockton whose telephone number is (571) 272-0710. The examiner can normally be reached on Monday-Friday from 6:15 am to 2:45 pm. If the examiner is out of the Office, the examiner's supervisor, Joseph McKane, can be reached on (571) 272-0699.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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The Official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Laura L. Stockton, Ph.D.

Patent Examiner

Art Unit 1626, Group 1620 Technology Center 1600

May 30, 2006